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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO.926 OF 2012
Cuttack the 20th day of January, 2014

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R. C. MISRA, MEMBER (A)

Gopinath Mallick,
aged about 62 years,
S/o. Late Pitambar Mallic,
At: Chaumuhani, Po: Naduan,
Via/P.S: Ghasipura, Dist: Keonjhar-758015,
Retd Post Master, Anandpur MDG

...Applicant

(Advocates: Mr. P.K. Padhi)

VERSUS

Union of India Represented through

1. The Secretary cum Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110054.
2. Chief Post Master General,
Odisha Circle, At/Po: Bhubaneswar,
Dist:Khurda-751001.
3. Post Master General,
Sambalpur Region,
At/Po/Dist:Sambalpur-768001.
4. Superintendent of Post Offices,
Keonjhar Division,
At/Po/Dist:Keonjhar-758001,

... Respondents

(Advocate: Mr. J.K. Khandayatray)

ORDER(Oral)

A.K. PATNAIK, MEMBER (J)

Heard Sri P.K. Padhi, Ld. Counsel appearing for the applicant and
Sri J.K. Khandayatray, Ld. Addl. CGSC appearing for the Respondents. Copy of
this O.A. has been served on Sri J.K. Khandayatray, Ld. Addl. CGSC for the
Union of India/Respondents who accepts notice for the Respondents. Registry is
directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure)
Rules, 1987 for onward transmission.




2. This Original Application has been filed by the applicant seeking for a direction to the Respondents for grant of financial upgradation under MACP Scheme, for grant of higher Grade Pay, to regularize his service in higher post and release all arrear salary and sanction of pension and retrial benefits. The applicant has already retired from the post of Post Master, Anandpur MDG on 31.01.2011. Sri P.K. Padhi, Ld. Counsel for the applicant submitted that though the applicant has shouldered higher responsibility of greater importance of a Mukhya Dak Ghar of Keonjhar Division from 01.06.2004 to 31.01.2011 i.e., till the date of superannuation and completed more than 30 years still then his case was not considered for grant of higher Grade Pay as well as for higher post. For non-consideration of the case of the applicant for promotion under MACP Scheme, submitting all these facts the applicant made a representation on 10.04.2010 to the Chief Post Master General (Respondent No.2) and for non-consideration he made another representation in the form of reminder on 08.11.2011 and ultimately he made a representation to Post Master General, Sambalpur Region, (Respondent No.3) on 05.01.2012 followed by a reminder on 11.05.2012. Sri Padhi submitted that all these representations have not been considered in proper perspective rather an order was passed on 01.05.2012 in which the Assistant Director Postal Services, on behalf of the Postmaster General, Sambalpur (Respondent No.3) communicated the applicant that his request for higher pay benefit has been rejected because he was not an approved LSG official nor given ad-hoc HSG-II promotion. Sri Padhi drawing out attention to the successive representations submitted that none of the points raised by the

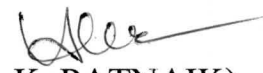


applicant was considered by the Respondents. He further submitted that the arguments advanced in the order passed on 01.05.2012 (Annexure-A/2) is a cryptic order.

3. In view of the above, we dispose of this O.A. by quashing the order dated 01.05.2012 and remit back this matter to Respondent No.2, to whom the representation has been preferred by the applicant on 10.04.2010 and reminder given on 08.11.2011 vide Annexure-A/1 series, to consider the representation and communicate the result thereof by way of a reasoned and speaking order within a period of 60(sixty) days from the date of receipt of this order. After consideration, if the applicant is found to be entitled to certain benefits Respondent No.2 is directed to take expeditious steps within a further period of three months to extend such benefits to the applicant. No costs.

4. Copies of this order be transmitted to Respondent No.2 & 3 by speed post at the cost of the applicant for which Sri Padhi, Ld. Counsel for the applicant, undertakes to file Postal requisites by Wednesday i.e., 22.01.2014.


(R.C. MISRA)
MEMBER(A)


(A.K. PATNAIK)
MEMBER (J)